

Assembly Bill No. 3

CHAPTER 3

An act to amend Section 76104.7 of the Government Code, relating to fines and forfeitures.

[Approved by Governor March 8, 2010. Filed with
Secretary of State March 8, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3, Committee on Budget. Fines and forfeitures: forensic laboratories: Alcohol Beverage Control Fund: inmate education.

Under existing law, an additional state penalty of \$1 is levied for each \$10 or fraction thereof, upon every fine, penalty, or forfeiture collected by the courts for criminal offenses. Those funds are required to be deposited into the state's DNA Identification Fund to fund the operation of the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and to facilitate compliance with the requirement that DNA samples be included in the state summary criminal history information.

This bill would increase that penalty to \$3 for each \$10 or fraction thereof, and would require those funds to be used to fund the operations of the Department of Justice forensic laboratories, including the operation of the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and to facilitate compliance with the requirement that DNA samples be included in the state summary criminal history information.

The Alcoholic Beverage Control Act provides for the issuance and transfer of alcoholic beverage licenses by the Department of Alcoholic Beverage Control. The Alcoholic Beverage Tax Law imposes an excise tax, at specified rates, for the privilege of selling or possessing for sale beer, wine, sparkling wine, sparkling cider, and distilled spirits. Existing law requires all money collected as fee revenue under the Alcoholic Beverage Control Act, and money collected as excise tax revenue under the Alcoholic Beverage Tax Law, be deposited in the State Treasury to the credit of the Alcohol Beverage Control Fund for specified purposes.

This bill would transfer a specified amount of federal moneys from certain Department of Alcoholic Beverage Control accounts to the Alcohol Beverage Control Fund.

This bill would also require that, in implementing budget reductions to its inmate and parolee rehabilitation programs, the Department of Corrections and Rehabilitation consider prioritizing the reestablishment of credentialed teacher and vocational instructor positions in lieu of establishing teaching assistant positions where operationally feasible and beneficial to maintain quality educational programs. In order to maximize the number of inmates that can receive quality education programs with the limited dollars the

department has available, the department would be required, whenever feasible based on the program curriculum, to consider placing inmates in half-day instead of full-day programs or using other appropriate methods for delivering educational programs while meeting cost reduction goals.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on January 8, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on January 8, 2010, pursuant to the California Constitution.

The people of the State of California do enact as follows:

SECTION 1. Section 76104.7 of the Government Code is amended to read:

76104.7. (a) Except as otherwise provided in this section, in addition to the penalty levied pursuant to Section 76104.6, there shall be levied an additional state-only penalty of three dollars (\$3) for every ten dollars (\$10), or part of ten dollars (\$10), in each county upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code.

(b) This additional penalty shall be collected together with, and in the same manner as, the amounts established by Section 1464 of the Penal Code. These moneys shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code. These funds shall be deposited into the county treasury DNA Identification Fund. One hundred percent of these funds, including any interest earned thereon, shall be transferred to the state Controller at the same time that moneys are transferred pursuant to paragraph (2) of subdivision (b) of Section 76104.6, for deposit into the state's DNA Identification Fund. These funds shall be used to fund the operations of the Department of Justice forensic laboratories, including the operation of the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and to facilitate compliance with the requirements of subdivision (e) of Section 299.5 of the Penal Code.

(c) This additional penalty does not apply to the following:

- (1) Any restitution fine.
- (2) Any penalty authorized by Section 1464 of the Penal Code or this chapter.
- (3) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(4) The state surcharge authorized by Section 1465.7 of the Penal Code.

SEC. 2. The following amounts are hereby transferred from the Department of Alcoholic Beverage Control, Organization Code 2100, Fund

0890, 1944 Accounts to the Alcohol Beverage Control Fund to be expended upon appropriation by the Legislature: (a) \$279,009.53 from Federal Catalog 16727011; (b) \$160,099.40 from Federal Catalog 16727021; and (c) \$58,029.28 from Federal Catalog 16727031.

SEC. 3. It is the intent of the Legislature that the Department of Corrections and Rehabilitation provide education programs to state inmates in a manner that seeks to reduce recidivism utilizing qualified professional staff and within budget constraints. Notwithstanding Provision 11 of Item 5225-001-0001 of the Budget Act of 2009, in implementing budget reductions to its inmate and parolee rehabilitation programs, the Department of Corrections and Rehabilitation shall consider prioritizing the reestablishment of credentialed teacher and vocational instructor positions in lieu of establishing teaching assistant positions where operationally feasible and beneficial to maintain quality educational programs. In order to maximize the number of inmates that can receive quality education programs with the limited dollars the department has available, the department shall also, whenever feasible based on the program curriculum, consider placing inmates in half-day instead of full-day programs or use other appropriate methods for delivering educational programs while meeting cost reduction goals. It is the intent of the Legislature that any changes the department makes to implement this provision shall result in no net increase in costs.

SEC. 4. This act addresses the fiscal emergency declared by the Governor by proclamation on January 8, 2010, pursuant to subdivision (f) of Section 10 of Article IV of the California Constitution.

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